

HIGHER EDUCATION DEVELOPMENT AREAS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to the development of property owned by certain higher education institutions.

Highlighted Provisions:

This bill:

- ▶ authorizes certain higher education institutions to designate a development area, consisting of property owned by the institution;
- ▶ provides a process for an institution to adopt a resolution designating a development area;
- ▶ requires an institution to establish a fund for revenue from the development area and provides for uses of money in the fund;
- ▶ requires the approval of the institution's board of trustees before the institution may adopt a development agreement;
- ▶ provides limitations on a board member's participation in development actions and limitations on the board's adoption of a development agreement; and
- ▶ requires the board to provide an annual report to the Higher Education Appropriations Subcommittee for each development area.

Money Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **53B-20-107**, Utah Code Annotated 1953



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **53B-20-107** is enacted to read:

35 **53B-20-107. Development of university property.**

36 (1) As used in this section:

37 (a) "Board" means the board of trustees of an eligible university.

38 (b) "Designation resolution" means a board resolution designating eligible university
39 property as a development area.

40 (c) "Development action" means:

41 (i) board deliberations on whether to adopt a designation resolution;

42 (ii) the board's adoption of a designation resolution;

43 (iii) board deliberations on whether to approve a development agreement; or

44 (iv) the board's approval of a development agreement.

45 (d) "Development agreement" means an agreement governing the development of
46 eligible university property within a development area.

47 (e) "Development area" means an area consisting of eligible university property that
48 the eligible university designates for development in a designation resolution, as provided in
49 this section.

50 (f) "Development fund" means the fund described in and established under Subsection
51 (4).

52 (g) "Direct financial benefit":

53 (i) means any form of financial benefit that accrues to an individual directly, including:

54 (A) compensation, commission, or any other form of a payment or increase of money;

55 and

56 (B) an increase in the value of a business or property;

57 (ii) does not include a financial benefit that accrues to the public generally.

58 (h) "Eligible university" means an institution of higher education listed in Subsection

59 53B-1-102(1)(a).

60 (i) "Eligible university property" means real property owned by an eligible university.

61 (j) "Family member" means a parent, spouse, sibling, child, or grandchild.

62 (k) "Leased property" means eligible university property that:

63 (i) is within a development area; and

64 (ii) an eligible university leases to a private person.

65 (2) (a) An eligible university may, by resolution of the board, designate eligible
66 university property as a development area.

67 (b) Before adopting a designation resolution, a board shall:

68 (i) provide notice of the public hearing required under Subsection (2)(b)(ii), as required
69 for a class A notice under Section 63G-30-102, for at least seven days before the day of the
70 public hearing; and

71 (ii) hold a public hearing on the proposed adoption of a designation resolution.

72 (c) A notice under Subsection (2)(b)(i) shall include a copy of the proposed designation
73 resolution.

74 (d) A designation resolution, including a proposed designation resolution that
75 accompanies a notice under Subsection (2)(b)(i), shall:

76 (i) accurately describe the boundary of the proposed development area;

77 (ii) describe the development that is proposed to occur in the proposed development
78 area; and

79 (iii) estimate the amount and sources of revenue the eligible university expects to
80 receive from the development area.

81 (e) Before adopting a designation resolution, a board may modify the proposed
82 designation resolution to:

83 (i) address concerns raised in a public hearing held under Subsection (2)(b)(ii); or

84 (ii) clarify or adjust provisions of the proposed designation resolution, as the board
85 considers appropriate.

86 (3) Within 30 days after the board's adoption of a designation resolution, the board or
87 the board's delegee shall deliver a copy of the designation resolution to:

88 (a) the clerk of the municipality in which the development area that is the subject of the
89 designation resolution is located; and

90 (b) the assessor and treasurer of the county in which the development area that is the
91 subject of the designation resolution is located.

92 (4) (a) Upon adoption of a designation resolution, a board shall establish a separate
93 fund related to the development area that is the subject of the designation resolution.

94 (b) An eligible university shall deposit into a development fund all money the eligible
95 university receives from the development and lease of eligible university property within a
96 development area.

97 (c) Money in a development fund shall be accounted for separately from any other fund
98 of the eligible university.

99 (d) An eligible university may use money in a development fund for:

100 (i) expenses associated with the development of the development area;

101 (ii) capital facility projects of the eligible university;

102 (iii) operation and maintenance costs associated with capital facilities of the eligible
103 university; or

104 (iv) any other eligible university-related purpose.

105 (5) Before a development agreement may take effect, the board shall approve the
106 development agreement by resolution, adopted in a public meeting.

107 (6) (a) A board member may not participate in a development action if the board
108 member or a family member of the board member owns an interest in, is directly affiliated
109 with, or is an employee or officer of a private firm, private company, or other private entity that
110 the board member reasonably believes is likely to participate in or receive a direct financial
111 benefit from the development of land that is the subject of a development agreement.

112 (b) The board may not approve a development agreement if the board reasonably
113 believes that a board member or a family member of a board member will or is likely to receive
114 a direct financial benefit because of the development of eligible university property within a
115 development area.

116 (c) Nothing in this Subsection (6) may be construed to affect the application or effect
117 of any other code provision applicable to a board member relating to ethics or conflicts of
118 interest.

119 (7) Leased property is not subject to a privilege tax under Title 59, Chapter 4, Privilege
120 Tax.

121 (8) (a) A board shall present a written report to the Higher Education Appropriations
122 Subcommittee no later than September 30 of each year after the board's adoption of a
123 designation resolution.

124 (b) A report under Subsection (8)(a) shall:

125 (i) describe the development taking place or expected to take place within the
126 development area; and

127 (ii) provide a summary of money deposited into and expended from the development
128 fund for that development area.

129 Section 2. **Effective date.**

130 This bill takes effect on May 1, 2024.